

The opinion in support of the decision being entered today was not written
for publication and is not binding precedent of the Board.

MAILED

NOV 17 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte BRIAN F. BEATON, CLIFFORD P. GROSSNER,
DOUGLAS E. LIVERSIDGE, ROMAN ROMANIUK, CHRISTOPHER THOMPSON,
COLIN D.R. SMITH, JAMES F. ZDRALEK, JEAN J. BOUCHARD,
STEPHANE F. FORTIER and L. LLOYD WILLIAMS

Appeal No. 2005-2214
Application No. 09/738,329

ON BRIEF

Before CRAWFORD, DIXON, and BARRY, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 47,
which are all of the claims pending in this application.

The appellants' invention relates to a method of facilitating collaboration among geographically dispersed parties by creating a virtual team environment that provides dynamic preference and presence information to permit communications sessions among team members. The present invention maintains the information concerning each member of the team using a collaboration services suite which includes a database in which information concerning each team member is stored (specification, pages 5 and 17). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

THE PRIOR ART

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Klein et al. (Klein)	5,995,492	Nov. 30, 1999
Tang et al. (Tang)	5,793,365	Aug. 11, 1998

THE REJECTION

Claims 1 to 47 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tang in view of Klein.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer

(mailed March 8, 2005) for the examiner's complete reasoning in support of the rejections, and to the brief (filed August 25, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected all the claims under 35 U.S.C. § 103 as being unpatenable over Tang in view of Klein. The examiner is of the view that Tang describes the invention as claimed except that Tang does not describe that the means for initiating a selected one of the plurality of types of communications with at least one member of the team is done over at least a Public Switched Telephone Network. The examiner relies on Klein for describing a virtual switching point in a Public Switched Telephone Network. Details of the examiner's rejection can be gleaned from a reading of pages 3 and 4 of the answer.

The appellants argue that Tang does not describe a system that can support communication through a Public Switched Telephone Network (brief at page 5) and that there is no motivation to combine the teachings of Tang and Klein (brief at page 7).

We find that Tang describes graphical user interface on the display of a worker's computer that includes a gallery or visual representation of the members of

the workgroup on a network and the various communication mechanisms for contacting any of the workgroup members (col. 3, lines 34 to 36). The network may be a LAN, WAN or Internet and the users connect to the network via a network interface 113 (col 11, lines 37 to 38). The graphical display is depicted in Figures 1A and 1B. A person object is used for each member which provides the methods of contacting the member e.g. email, video conferencing, text dialogue. A gallery engine 60 holds person objects of each member at any particular time and provides same to other members upon request (col 12, lines 17 to 39). A team member may contact another team member via a plurality of types of communications which includes audio, video, and text (col. 4, lines 15 to 28).

The examiner states that it is well known in the art that client computers are coupled to the Internet through computer modems which connect to telephone lines which connect to Public Switch Telephone Networks (answer page 13). The appellants have not challenged this statement.

We will sustain this rejection because in our view a person of ordinary skill in the art would have found it obvious to connect to the Internet via a telephone line which utilizes a Switched Telephone Network. In this regard, it is our view that the subject matter of claim 1 would have been obvious to aa person of ordinary skill in the art in view of the teachings of Tang alone. See In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 266-267 (CCPA 1961).

As we find the teachings of Tang alone sufficient to support a prima facie case of obviousness, we will not address appellants' arguments regarding the combined teachings of Tang and Klein.

Appellants argue that Tang provides no teaching that the initiation of communication session over a Switched Telephone Network is even possible. We do not agree because as we stated above Tang teaches that the users are connected to the Internet and in our view a person of ordinary skill in the art would have known that a common way of connecting to the Internet is through a telephone modem using a phone line.

Appellants also argue that Tang teaches away from regular telephone communication in that Tang teaches that voice communication is done through a computer. We do not find this argument persuasive because were the computer connected to the Internet through a phone modem the connection would nonetheless be done through a Switched Telephone Network even if the users were communicating through a computer voice connection.

Appellants further argue that Tang does not attempt to solve the problem of facilitating regular telephone communication through a Switched Telephone Network. While Tang may not address a Switched Telephone Network per se or the problems associated therewith, Tang nonetheless suggest using a Switched Telephone Network to contact to the Internet via phone modem.

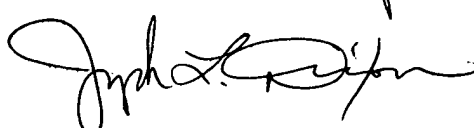
In view of the foregoing, we will sustain the examiner's rejection of claim 1. We will likewise sustain the examiner's rejection of claims 2 to 47 as these claims stand or fall with claim 1 (brief at page 3).

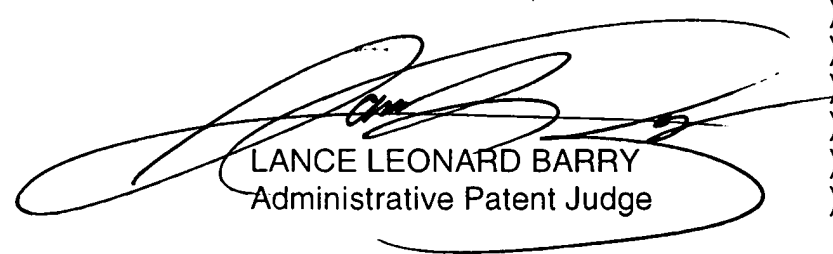
The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


MURIEL E. CRAWFORD
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge


LANCE LEONARD BARRY
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
)
)
)
)

Appeal No. 2005-2214
Application No. 09/738,329

Page 7

Ogilvy Renault, LLP
1981 McGill College Avenue
Suite 1600
Montreal, QC H3A2Y3
CANADA

MEC/ki